1 KAMALA D. HARRIS Attorney General of California 2 GREGORY J. SALUTE Supervising Deputy Attorney General CRISTINA FELIX Deputy Attorney General 4 State Bar No. 195663 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 5 Telephone: (213) 897-2455 6 Facsimile: (213) 897-2804 7 Attorneys for Complainant 8 BEFORE THE **BOARD OF REGISTERED NURSING** 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 Case No. 2013-798 11 In the Matter of the Accusation Against: 12 ACCUSATION ANNA MARIE MARIORENZI, a.k.a. ANNA MARIE SKELLEY 13 20613 Mansel Avenue Torrance, CA 90503 14 Registered Nurse License No. 536325 15 Respondent. 16 17 18 Complainant alleges: 19 **PARTIES** Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her 20 21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of 22 Consumer Affairs. 23 On or about September 3, 1997, the Board of Registered Nursing issued Registered Nurse License No.536325 to Anna Marie Mariorenzi, also known as Anna Marie Skelley 24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to 25 the charges brought herein and will expire on October 31, 2014, unless renewed. 26 27 /// 28 ///

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#### **JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

- 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.
  - 5. Section 490 states, in pertinent part:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- (b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- (c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
- 6. Section 2750 provides, in pertinent part, that the Board may discipline any license, including a license holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- (d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
- 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

#### **REGULATORY PROVISIONS**

9. California Code of Regulations, title 16, section 1444 states, in pertinent part

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

## **COST RECOVERY**

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

# FIRST CAUSE FOR DISCIPLINE

# (Convictions of Substantially Related Crimes)

- 11. Respondent is subject to disciplinary action under sections 2761, subdivision (f), and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a registered nurse, as follows:
- a. On or about June 29, 2011, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 20002, subdivision (a) [hit and run: property damage] in the criminal proceeding entitled The People of the State of California v. *Anna Marie Mariorenzi* (Super Ct. Los Angeles County, 2011, No. 1SY02565). The Court placed Respondent on three (3) years probation, with terms and conditions. The circumstances surrounding the conviction are that on or about June 18, 2010, Respondent rear-ended a vehicle while it was stopped at a signal light. The driver got out of his vehicle, told Respondent "don't go anywhere," and asked to exchange information. Respondent stated, "there is no damage," turned her vehicle sharply and fled the scene.
- b. On or about June 19, 2006, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 415, subdivision (2) [disturbing the peace], in the criminal proceeding entitled *The People of the State of California v. Anna Marie Mariorenzi* (Super Ct. Los Angeles County, 2006, No. 6SY04696). The Court placed Respondent on one (1) year probation, and ordered her to attend fifty-two (52) sessions of an anger management program. The circumstances surrounding the conviction are that on or about June 15, 2006, during an investigation of possible domestic violence, by the Torrance Police Department, Respondent was contacted. During an argument, Respondent had thrown two ten pound weights across the room at J.E., missing him and hitting the wall. She then threw a water bottle at him, missed, and broke the window next to him. When J.E. attempted to leave and leaned forward to take his computer, she hit him on the back and side with a dog leash. Respondent also punched J.E. in the chest. Respondent was subsequently arrested for violating Penal Code section 273.5, subdivision (a) [infliction of corporal injury on spouse or cohabitant].

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### SECOND CAUSE FOR DISCIPLINE

### (Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

### THIRD CAUSE FOR DISCIPLINE

# (Violation of Nursing Practice Act)

13. Respondent is subject to disciplinary action under section 2761, subdivision (d), in that Respondent violated the Nursing Practice Act. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License No. 536325, issued to Anna Marie
  Mariorenzi, also known as Anna Marie Skelley;
- 2. Ordering Anna Marie Mariorenzi, also known as Anna Marie Skelley to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 19, 2013

LOUISE R. BAILEY, M.ED., RN

**Executive Officer** 

Board of Registered Nursing Department of Consumer Affairs

State of California

Complainant

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